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The FRS Company

8 UNITED STATES DISTRICT COURT  
9  
10 NORTHERN DISTRICT OF CALIFORNIA

11 LAWRENCE BRANDON, on behalf of  
himself and all others similarly situated,

12 Plaintiff,

13 v.

14 The FRS Company, d/b/a The FRS  
15 Healthy Energy Company,

16 Defendant.

Case No. 3:11-cv-06639-RS

The Hon. Richard Seeborg

**STIPULATION AND ~~PROPOSED~~  
ORDER TO FURTHER EXTEND  
STAY PENDING SETTLEMENT  
DISCUSSIONS AND INFORMAL  
DISCOVERY, AND TO CONTINUE  
CASE MANAGEMENT  
CONFERENCE**

[No Hearing Required]

Complaint Filed: December 23, 2011  
Trial Date: None Set

**STIPULATION**

WHEREAS plaintiff Lawrence Brandon and defendant The FRS Company ("FRS") seek to further extend the stay of this case, for an additional forty-five (45) days, to continue pursuing settlement discussions and exchange limited informal discovery in furtherance of those discussions;

WHEREAS the only time modifications in this case to date are: (1) the Clerk's notice rescheduling the Case Management Conference from April 5, 2012 to April 12, 2012, after reassignment to Judge Seeborg (Dkt # 7); (2) the parties' stipulation to extend time for FRS to respond to the complaint, to February 24, 2012 (Dkt #8); (3) the parties' stipulation to extend the briefing schedule for FRS's Motion to Strike Portions of Complaint ("Motion"), such that plaintiff's opposition would be due March 16, 2012 and FRS's reply would be due March 29, 2012 (Dkt #12); (4) the parties' stipulation and Court's Order to stay the case for sixty (60) days, up to and including May 21, 2012, which, among other things, continued the Case Management Conference from April 12, 2012 to June 21, 2012 (Dkt #18); and (5) the parties' stipulation and Court's Order to extend the stay of the case for seventy-five (75) days, up to and including August 6, 2012, which, among other things, continued the Case Management Conference from June 21, 2012 to September 6, 2012 (Dkt #20);

WHEREAS a stay of the case for an additional forty-five (45) days would only affect the schedule of the case by (1) staying the case up to and including September 20, 2012; (2) lifting the stay on September 21, 2012; (3) extending the deadline for FRS to file its reply in support of the Motion from August 20, 2012 to October 4, 2012, thirteen days after the stay is lifted; (4) continuing the hearing on the Motion from September 6, 2012 to October 25, 2012, or a subsequent date convenient to the Court; (5) continuing the Case Management Conference from September 6, 2012 to October 25, 2012, or a subsequent date convenient to the Court; and (6) extending the deadline for the parties to file their respective ADR Certifications to September 24, 2012, three days after the stay is lifted;

1           THEREFORE, pursuant to Local Rules 6-2, 7-12, and 16-2(e), and Judge  
2 Seeborg's Standing Order Re: Initial Case Management, the parties through their  
3 undersigned counsel stipulate, subject to the Court's approval, as follows:

4           (1)    the case is stayed for an additional forty-five (45) days, up to and  
5 including September 20, 2012;

6           (2)    the stay will be lifted on September 21, 2012;

7           (3)    the deadline for FRS to file its reply in support of the Motion is  
8 extended to October 4, 2012;

9           (4)    the hearing on the Motion is continued from September 6, 2012 at  
10 1:30 p.m. to October 25, 2012 at 1:30 p.m., or whatever subsequent date and time is  
11 convenient to the Court;

12           (5)    the Case Management Conference is continued from September 6,  
13 2012 at 10:00 a.m. to October 25, 2012 at <sup>1:30 p.m.</sup>~~10:00 a.m.~~, or whatever subsequent date and  
14 time is convenient to the Court; and

15           (6)    the deadline for the parties to file their respective ADR Certifications  
16 is extended to September 24, 2012.

17 Dated: August 7, 2012

18                                   FINKELSTEIN THOMPSON LLP

19  
20                                   By                                   /s/ Rosemary M. Rivas  
21   ROSEMARY M. RIVAS  
22   Attorneys for Plaintiff  
   LAWRENCE BRANDON

23 Dated: August 7, 2012

24                                   SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

25  
26                                   By                                   /s/ Neil A.F. Popović  
27   NEIL A.F. POPOVIĆ  
28   Attorneys for Defendant  
   THE FRS COMPANY

**CERTIFICATION**

I, Neil A.F. Popović, am the ECF User whose identification and password are being used to file this STIPULATION AND [PROPOSED] ORDER TO FURTHER EXTEND STAY PENDING SETTLEMENT DISCUSSIONS AND INFORMAL DISCOVERY, AND TO CONTINUE CASE MANAGEMENT CONFERENCE.

Pursuant to General Order 45, section X.B, I attest that Rosemary M. Rivas has concurred in this filing.

Dated: August 7, 2012

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By /s/ Neil A.F. Popović  
NEIL A.F. POPOVIĆ  
Attorneys for Defendant  
THE FRS COMPANY

~~PROPOSED~~ ORDER

Having considered the Stipulation and [Proposed] Order to Further Extend Stay Pending Settlement Discussions and Informal Discovery; and to Continue Case Management Conference entered into by plaintiff Lawrence Brandon and defendant The FRS Company ("FRS"), and good cause appearing therefor,

IT IS ORDERED THAT:

- (1) the case is stayed for forty-five days, up to and including September 20, 2012;
- (2) the stay will be lifted on September 21, 2012;
- (3) the deadline for FRS to file its reply in support of its Motion to Strike Portions of Complaint ("Motion") is extended to October 4, 2012;
- (4) the hearing on the Motion is continued from September 6, 2012 at 1:30 p.m. to October 25, 2012 at 1:30 p.m.;
- (5) the Case Management Conference is continued from September 6, 2012 at 10:00 a.m. to October 25, 2012 at 10:00 a.m.; and
- (6) the deadline for the parties to file their respective ADR Certifications is extended to September 24, 2012.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 8/7/12



Honorable Richard Seeborg  
United States District Judge